

Department of Permits Approvals and Inspections
111 West Chesapeake Avenue
Towson, Maryland 21204
Baltimore County, Maryland

In the Matter of

Eugene Link II

Respondent

Civil Citation No. 93470

3405 Meadowdale Drive

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE ADMINISTRATIVE LAW JUDGE

This matter came before the Administrative Law Judge on June 7, 2011 for a Hearing on a citation for violations under the Baltimore County Zoning Regulations (BCZR) section 101, 102.1, 1B01.1: failure to cease open dump conditions; accumulating tree branches in the rear yard on residential property.

On May 27, 2011, pursuant to § 3-6-205, Baltimore County Code, Inspector David Janiszewski issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$1,000.00.

The following persons appeared for the Hearing and testified: Eugene Link II, Respondent and David Janiszewski, Baltimore County Code Enforcement Officer.

Testimony was presented that, upon a telephone complaint for tree debris and rodents, an inspection of the property on 5/12/11 did reveal numerous branches and tree debris, but no evidence of animal infestation was confirmed. A Correction Notice was issued. A subsequent inspection on 5/27/11 showed no change and a Citation was issued, mailed and posted. A pre-hearing inspection showed no change. Respondent testified and the inspector confirmed that in a discussion after the citation was issued, but before the hearing took place in which it became evident that the Respondent believed that the violation related to tree stumps on the property, rather than the loose debris. At the hearing, the misunderstanding was clarified and Respondent stated that, as it related to the loose debris, it would be immediately removed.

Having heard the testimony and evidence presented at the Hearing:

IT IS ORDERED by the Administrative Law Judge that a civil penalty be imposed in the amount of \$1,000.00 (one thousand dollars).

IT IS FURTHER ORDERED that the \$1,000.00 civil penalty be suspended in full.

IT IS FURTHER ORDERED that the suspended \$1,000.00 will be imposed if the property is not brought into compliance by June 21, 2011.

IT IS FURTHER ORDERED that the suspended \$1,000.00 will be imposed if there is a subsequent finding against the Respondent for the same violation.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty AND any expenses incurred by Baltimore County, as authorized above, shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 13th day of June 2011

Signed: ORIGINAL SIGNED
Larry M. Stahl
Managing Administrative Law Judge

NOTICE TO RESPONDENT: The Respondent is advised that pursuant to §3-6-301(a) of the Baltimore County Code, the Respondent may appeal this order to the Baltimore County Board of Appeals within fifteen (15) days from the date of this order; any such appeal requires the filing of a petition setting forth the grounds for appeal, payment of a filing fee of \$150 and the posting of security in the amount of the penalty assessed.